

## REMARKS

The Applicant acknowledges with appreciation the acceptance of the amended drawings.

The Applicant also understands that the Examiner, in view of the claim amendments filed on February 1, 2005, withdrew his rejection of claims 12-15 and 20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Turning attention to a more substantive matter, the Examiner rejected claims 1, 6-12, 16, 18-20 under 35 U.S.C. 102(b) as being anticipated by Krekeler (US 3331637). In support of his rejection the Examiner stated that "Krekeler discloses a retaining system (see Fig. 4) for securing a cutting tool to a support block, said retaining system comprising: at least one groove (22) having a first predetermined shape, formed in an outer surface of a shank portion of said cutting tool intermediate each end thereof, said groove being formed in a direction transverse to a longitudinal axis of said shank; at least one groove (23) having a second predetermined shape, formed in a surface of a bore formed through an axis of said support block for receiving therein said shank portion of said cutting tool, said at least one groove formed in said outer surface of said shank portion of said cutting tool being

substantially radially opposed to said at least one groove formed in said surface of said bore formed through said axis of said support block when said shank portion is inserted into said bore of said support block; and at least one rolled spring steel pin member (24) (see col. 4 lines 15- 25) engageable with each of said at least one groove formed in said outer surface of said shank portion said cutting tool and said at least one groove formed in said surface of said bore formed through said axis".

Claim 1 has been amended to specifically recite in paragraph (b) "...at least ~~one groove~~ two grooves, each having a second predetermined shape, formed in a surface of a bore formed through an axis of said support block for receiving therein said shank portion of said cutting tool, said at least two grooves formed in said surface of said bore being substantially radially opposed with each other about said axis of said support block..." and further recite in paragraph (c) "...at least ~~one~~ two ~~rolled spring steel pin member~~ members engageable with each of said at least one groove formed in said outer surface of said shank portion of said cutting tool and said at least ~~one groove~~ two grooves formed in said surface of said bore...".

As it is well known in the art, failure of the retaining system employing a groove and pin configuration to retain the cutting tool within the support block occurs due to wear of the pin surface which results in loss of the pin retainment within

the groove and loss of the cutting tool retainment within the support block.

Use of at least two pins in combination with at least two grooves formed in the bore, and being substantially radially opposed with each other about the axis of the bore, substantially eliminated such problem by increasing the life of such retaining system due to a larger contact surface area between the at least two pins and at least two grooves.

Therefore, the invention of claim 1 of the present invention is patentably distinguished from Krekeler (US 3331637) prior art reference that does not teach or anticipate in the specification or in the Figures a combination of at least two pins and corresponding at least two grooves of the present invention.

For these reasons, Applicant respectfully requests withdrawal of the rejection of claims 1, 6-12, 16, 18-20 under 35 U.S.C. 102(b) as being anticipated by Krekeler (US 3331637).

Next, the Examiner rejected claims 1,6-12,16,18-20 under 35 U.S.C. 103(a) as being unpatentable over Snipe or Morrow or Krekeler '206 or Krekeler '728 or Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart (US 3268260, 3498677, 3622206, 3690728, 3796464, 3834764, 3841708, 3856359, 4222446, 5810102) in view of Krekeler '637 or Parsons (US 5357823).

In support of his rejection the Examiner stated that "Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart all disclose a retaining system for securing a cutting tool to a support block, said retaining system comprising: at least one groove, having a first predetermined shape, formed in an outer surface of a shank portion of said cutting tool intermediate each end thereof, said groove being formed in a direction transverse to a longitudinal axis of said shank; at least one groove, having a second predetermined shape, formed in a surface of a bore formed through an axis of said support block for receiving therein said shank portion of said cutting tool, said at least one groove formed in said outer surface of said shank portion of said cutting tool being substantially radially opposed to said at least one groove formed in said surface of said bore formed through said axis of said support block when said shank portion is inserted into said bore of said support block; and at least one pin member engageable with each of said at least one groove formed in said outer surface of said shank portion said cutting tool and said at least one groove formed in said surface of said bore formed through said axis of said support block for securing said cutting tool to said support block (see Figures). However, they all are silent about the pin being rolled spring steel. Krekeler '637 and Parsons both teach

rolled spring steel pin (24, 114 respectively). It would have been considered obvious to one of ordinary skill in the art to modify either Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart by substituting the pin as taught by either Krekeler '637 or Parsons for the pin disclosed by Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart since this would facilitate insertion because such a pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder".

With regards to Parsons (US 5357823) prior art reference, the Applicant believes that such reference is a nonanalogous art, as one trying to solve the problem of retaining a cutting tool within a support block utilized for mining or road surface milling would not look to gearshift assemblies for motorized vehicle manual transmissions.

In view of the amendments to the claim 1, the combinations of Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart in view of Krekeler '637 fails to describe or teach the invention as claimed.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of claims 1, 6-12, 16, 18-20 under 35

U.S.C. 103(a) as being unpatentable over Snipe or Morrow or Krekeler '206 or Krekeler '728 or Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart (US 3268260, 3498677, 3622206, 3690728, 3796464, 3834764, 3841708, 3856359, 4222446, 5810102) in view of Krekeler '637 or Parsons (US 5357823).

Further, the Examiner rejected Claims 1, 3-12, 16, 18-20 under 35 U.S.C. 103(a) as being unpatentable over Bower, Jr. (US 3493268) in view of Krekeler '637 or Parsons '823. The Examiner stated that "*Bower, Jr. discloses the invention substantially as claimed (see Figures). However, Bower, Jr. is silent about the pin being rolled spring steel. Krekeler '637 and Parsons both teach rolled spring steel pin (24, 114 respectively). It would have been considered obvious to one of ordinary skill in the art to modify Bower, Jr. by substituting the pin as taught by either Krekeler '637 or Parsons for the pin disclosed by Bower, Jr. since this would facilitate insertion because such a pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder*".

In view of the amendments to the claim 1, the combination of Bower, Jr. (US 3493268) in view of Krekeler '637 fails to describe or teach the invention as claimed.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of claims 1, 3-12, 16, 18-20 under 35

U.S.C. 103(a) as being unpatentable over Bower, Jr. (US 3493268) in view of Krekeler '637 or Parsons '823.

Additionally, the Examiner rejected claims 1, 2-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wipo document (WO 00/34626) in view of Krekeler '637.

The Examiner stated that "Wipo '626 discloses the invention substantially as claimed (see Figure 16). However, Wipo '626 is silent about including a groove in the shank of the cutting tool and wherein the pin therein being rolled spring steel. Krekeler '637 teaches rolled spring steel pin (24) within the groove of a shank (see Fig. 4). It would have been considered obvious to one of ordinary skill in the art to modify Wipo '626 by substituting the cutting tool with its pin as taught by Krekeler '637 for the cutting tool and pin disclosed by Wipo '626 since this would facilitate insertion because such a pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder".

In view of the amendments to the claim 1, the combination of Wipo document (WO 00/34626) in view of Krekeler '637 fails to describe or teach the invention as claimed.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of claims 1, 3-12, 16, 18-20 under 35 U.S.C. 103(a) as being unpatentable over Bower, Jr. (US 3493268) in view of Krekeler '637 or Parsons '823.

### CONCLUSION

In view of the above amendments to the claims and the remarks associated therewith, the Applicant believes that independent claim 1 is in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that independent claim 1 is in condition for allowance, its dependent claims further providing limitations are also in a condition for allowance.

The Applicant believes that this application is now ready for allowance and respectfully requests that the application be passed to issue.

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412) 380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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